

IN RE: PETITION FOR VARIANCE
SW/Cor. Edgewater Avenue and
Patuxent Avenue
(8030 Edgewater Avenue)
15th Election District
5th Councilmanic District

Maryann Brooks
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-487-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 8030 Edgewater Avenue, located in the vicinity of Patuxent Avenue in Chesaco Park. The Petition was filed by the owner of the property, Maryann Brooks. The Petitioner seeks relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3'3" in lieu of the minimum required 10 feet for an existing enclosed deck (porch). The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition was James Brooks, the Petitioner's husband. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of .103 acres, more or less, zoned D.R. 5.5 and is located within the Chesapeake Bay Critical Areas near Northeast Creek. The property is improved with a single family dwelling which was built in 1927. Testimony indicated the Petitioners have owned the property for the past nine years, during which time Mr. Brooks has invested a good amount of time and money in upgrading the property. Mr. Brooks testified that he obtained a building permit to rebuild the dwelling and that in conjunction with exterior

ORDER RECEIVED FOR FILING
Date 8/27/96
By Hop

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improvements to the home, he enclosed an existing porch. Mr. Brooks stated that he was unaware that a variance was necessary to enclose the porch and proceeded with making improvements to the property. Apparently, during a routine check in the neighborhood, it was discovered that the subject porch was located within the required setback distance from the property line. Thus, the requested variance is necessary in order to legitimize existing conditions on the property.

As noted above, this property lies within the Chesapeake Bay Critical Areas and as such, all development on this property is subject to compliance with any restrictions imposed by the Department of Environmental Protection and Resource Management (DEPRM). By comment dated June 17, 1996, it appears that the subject porch enclosure has resulted in the Petitioners exceeding the impervious surface limits that are imposed upon this property, given its location with the Chesapeake Bay Critical Areas, and that a variance from critical areas requirements must be obtained from DEPRM or the amount of impervious surface on their property reduced. Therefore, as a condition of the relief granted herein, the Petitioners shall be required to comply with any recommendations made by DEPRM in order to mitigate any impact development on the subject property may have on the Critical Areas.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

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Date

By

2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28
(1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested shall be granted, as conditioned below.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 2nd day of August, 1996 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County

ORDER RECEIVED FOR FILING

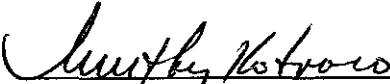
Date

By

Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3'3" in lieu of the minimum required 10 feet for an existing enclosed deck (porch), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) Compliance with any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to their comments dated June 17, 1996, a copy of which has been attached hereto and made a part hereof.

IT IS FURTHER ORDERED that the Petitioners shall have thirty (30) days from the date of this Order to file an appeal of this decision.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 8/2/96
By [Signature]

RECEIVED

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

June 17, 1996

FROM: Robert A. Wirth *RAW/Ans*
DEPRM

SUBJECT: Zoning Item #482 - Brooks Property
8030 Edgewater Avenue
Zoning Advisory Committee Meeting of June 10, 1996

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Environmental Impact Review

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

With construction of the porch, the applicant has exceeded impervious surface limits required in Limited Developed Area of the Chesapeake Bay Critical Area. As such, the zoning variance should be conditioned on complying with this requirement, which will require removal of impervious surfaces or approval of a Critical Area Administrative variance. The applicant is urged to call Mr. Steve Armiger of Environmental Impact Review at 887-3980.

RAW:PF:sp

c: Maryann K. Brooks

BROOKS/DEPRM/TXTSBP

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6/20/96
DAG
BY

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 2, 1996

Mr. & Mrs. James Brooks
8030 Edgewater Avenue
Baltimore, Maryland 21237

RE: PETITION FOR VARIANCE
SW/Cor. Edgewater Avenue and Patuxent Avenue
(8030 Edgewater Avenue)
15th Election District - 5th Councilmanic District
Maryann Brooks - Petitioner
Case No. 96-487-A

Dear Mr. & Mrs. Brooks:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM

People's Counsel

File

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Petition for Variance

CRITICAL
AREA

to the Zoning Commissioner of Baltimore County

for the property located at 8030 Edgewater Ave
96-487-A which is presently zoned Residential DR5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1 (BCZR)

To allow an existing enclosed deck 3 ft., 3 in. side yard setback in lieu of the required 10 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Replaced Back porch not knowing permit was required. 3ft 3" from property line.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee.

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Maryann K. Brooks
(Type or Print Name)

Maryann K. Brooks
Signature

(Type or Print Name)

Signature

8030 Edgewater Ave 574-1798
Address Phone No

Balto. MD. 21237
City State Zipcode

Name, Address and phone number of representative to be contacted.

James or
Maryann Brooks
Name

8030 Edgewater Ave 574-1798
Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

R.T.

DATE

5-31-96

ITEM # 482

ORDER RECEIVED FOR FILING

Date

By

Printed with Soybean Ink
on Recycled Paper

MICROFILMED



EXAMPLE 3 -- Zoning Description

3 COPIES

96-487-A

Three copies of the zoning description of your property are required. This is a sample to help you with the description - DO NOT USE THIS FORM FOR "FILL-IN THE BLANK". Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 8030 Edgewater Ave
(address)

Beginning at a point on the SWC^{COR} Edgewater - Patuxent Ave.
(north, south, east or west) side of

_____ which is 50'
name of street on which property fronts (number of feet of right-of-way width)

wide at the distance of _____ of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street _____
(name of street)

which is 50' wide. *Being Lot# 254-257
(number of feet of right-of-way width)

Block _____, Section # Plat D in the subdivision of Chesaco Park
(name of subdivision)

as recorded in Baltimore County Plat Book # 6, Folio # 164

containing .103 Also known as 8030 Edgewater Ave
(square feet or acres) (property address)

and located in the 15th Election District, 5th Councilmanic District.

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber __, Folio __" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N.87° 12' 13" E. 321.1 ft., S.18° 27' 03" E. 87.2 ft., S.62° 19' 00" W. 318 ft., and N.08° 15' 22" W. 80 ft. to the place of beginning.

RECORDED

ITEM#482

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 108 of the County Office Building, 111 W. Chesapeake Avenue, in Towson, Maryland 21204, of Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #99-487-A
(Item 482)

8030 Edgewater Avenue
SWG Edgewater and Putnam
Avenues

16th Election District

5th Councilmanic
Legal Owner(s):

Wayne K. Brodie

Variance: to allow an existing
enclosed deck 3 feet, 3 inches
side yard setback in lieu of the
required 10 feet.
Hearing: Wednesday, July 3,
1996 at 11:30 a.m. in Rm.
118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
handicapped accessible, for
special accommodations
Please Call 887-3353.

(2) For information concerning
the File and/or Hearing,
Please Call 887-3391.

6/14/1 June 13

059527

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/13, 1996

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 6/13, 1996.

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

A. H. Enid

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-487-A

District: 15th Date of Posting: 8/15/96

Posted for: Varrios

Petitioner: Mary Ann R. Brooks

Location of property: 8030 Edge Motor Hotel

Location of Sign: Facing Roadway on property being torned

Remarks:

Posted by: [Signature] Date of return: 8/21/96

Number of Signs: 1

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BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 917993
ITEM # F2

DATE 5-31-96 ACCOUNT R-001-6150

OP-VAL - \$50.00
CSO-SKN - \$35.00 AMOUNT \$85.00

RECEIVED FROM: MARYANN BROOKS

FOR: RESIDENTIAL VARIANCE

MICROFILMED
K11

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

96-487-A



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 482 Petitioner: _____

Location: 8030 EDGEWATER AVE

PLEASE FORWARD ADVERTISING BILL TO:

NAME: MARYANN K. BROOKS

ADDRESS: 8030 EDGEWATER AVE

BALTO MD 21237

PHONE NUMBER: (410) 574-1798

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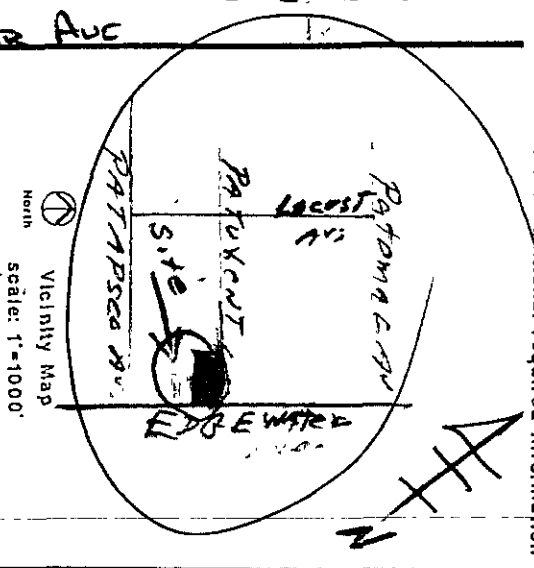
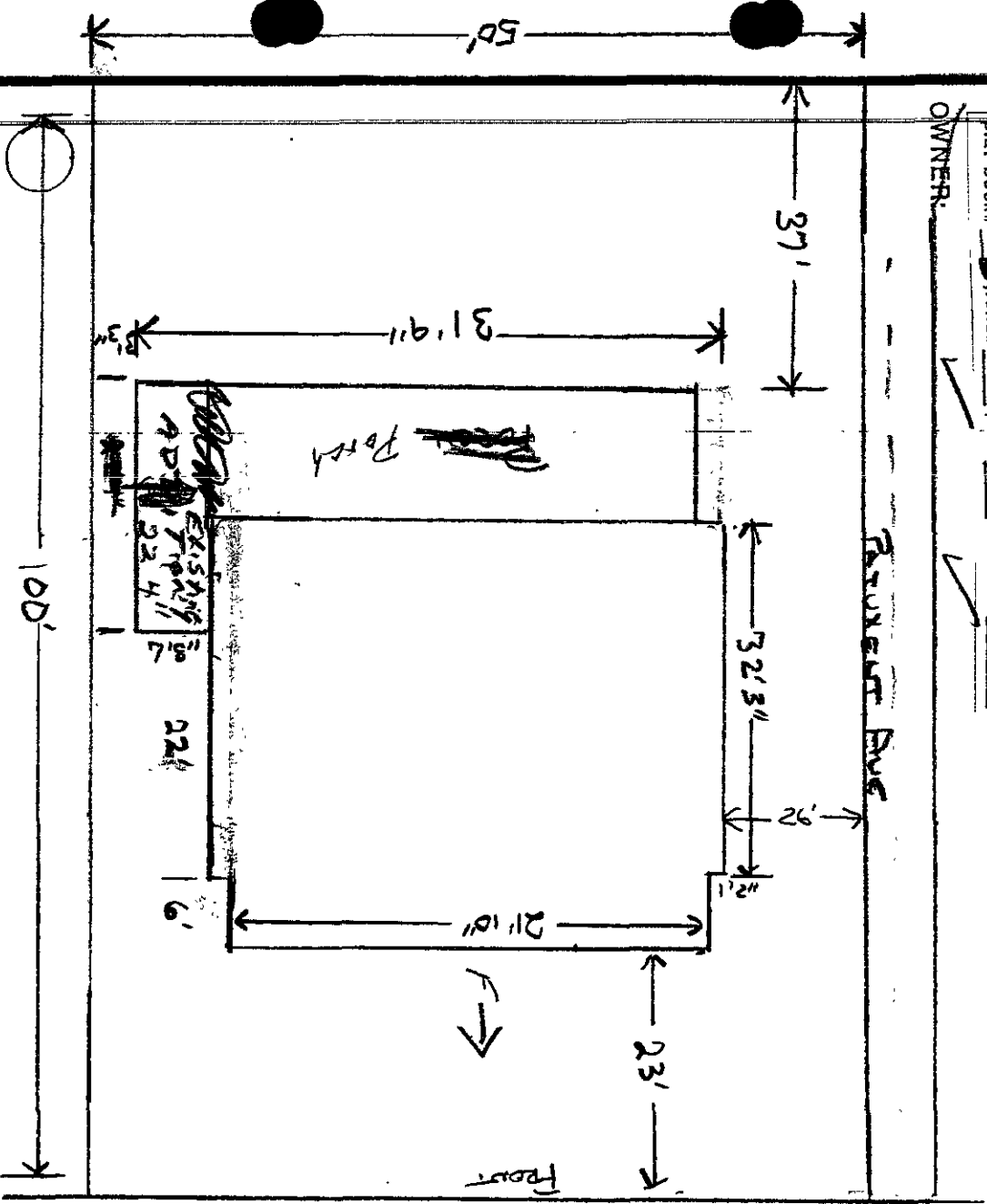
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 8030 Edgewater Ave see Pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Chesapeake Park

Plat book # 6, folio # 164, section # 21

OWNER: [Signature]



LOCATION INFORMATION

Election District: 15th
Councilmanic District: 5th

1"=200' scale map #: NE 27

Zoning: DR-5.5

Lot size: 0.103 4500 acreage square feet

SEWER: ☒ public ☐ private
WATER: ☒ public ☐ private

Chesapeake Bay Critical Area: ☐ No ☒ Yes
Prior Zoning Hearings: N/A

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____

date: _____
prepared by: _____

Scale of Drawing: 1/4" = 1'

* Scale must be Engineer scale at 1"=10ft, 20ft, 30ft, 40, etc.

TO: PUTUXENT PUBLISHING COMPANY
June 13, 1996 Issue - Jeffersonian

Please forward billing to:

Maryann K. Brooks
8030 Edgewater venue
Baltimore, MD 21237
574-1798

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-487-A (Item 482)
8030 Edgewater Avenue
SWC Edgewater and Patuxent Avenues
15th Election District - 5th Councilmanic
Legal Owner(s): Maryann K. Brooks

Variance to allow an existing enclosed deck 3 feet, 3 inches side yard setback in lieu of the required 10 feet.

HEARING: WEDNESDAY, JULY 3, 1996 at 11:30 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 10, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-487-A (Item 482)
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SWC Edgewater and Patuxent Avenues
15th Election District - 5th Councilmanic
Legal Owner(s): Maryann K. Brooks

Variance to allow an existing enclosed deck 3 feet, 3 inches side yard setback in lieu of the required 10 feet.

HEARING: WEDNESDAY, JULY 3, 1996 at 11:30 a.m. in Room 118, Old Courthouse.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Maryann K. Brooks

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 3, 1996

Ms. Maryann K. Brooks
8030 Edgewater Avenue
Baltimore, MD 21237

RE: Item No.: 482
Case No.: 96-487-A
Petitioner: Maryann Brooks

Dear Ms. Brooks:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 31, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director June 17, 1996
Zoning Administration and
Development Management

FROM: Robert A. Wirth *RAW/ms*
DEPRM

SUBJECT: Zoning Item #482 - Brooks Property
8030 Edgewater Avenue
Zoning Advisory Committee Meeting of June 10, 1996

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Environmental Impact Review

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

With construction of the porch, the applicant has exceeded impervious surface limits required in Limited Developed Area of the Chesapeake Bay Critical Area. As such, the zoning variance should be conditioned on complying with this requirement, which will require removal of impervious surfaces or approval of a Critical Area Administrative variance. The applicant is urged to call Mr. Steve Armiger of Environmental Impact Review at 887-3980.

RAW:PF:sp

c: Maryann K. Brooks

BROOKS/DEPRM/TXTSBP

MICROFILMED



**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

6-7-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 482(RT)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

MICROFILMED

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: June 12, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item No. 467, 471, 472, 473, 474, 480, 482, 484, 485, 488, and 489

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Kerns

PK/JL

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 06/11/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JUNE 10, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 471, 472, 474, 475, 480 & 482.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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PETITION PROBLEMS

#473 --- MJK

1. No printed name or title for contract purchaser.

#475 --- JCM

1. No telephone number for legal owner.
2. Need authorization for person signing for legal owner.

#476 --- JLL

1. Who signed for legal owner??? Need printed name and title.
2. Need authorization for person signing for legal owner.

#477 --- MJK

1. Need authorization for person signing for legal owner.

#479 --- MJK

1. Need telephone number for legal owner.

#482 --- RT

1. Folder says it is in critical area; plat says it is not in critical area.
Which is it???

RE: PETITION FOR VARIANCE
8030 Edgewater Avenue, SWC Edgewater and
Patuxent Avenues
15th Election District, 5th Councilmanic


Maryann K. Brooks
Petitioner


* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 96-487-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of June, 1996, a copy of the foregoing Entry of Appearance was mailed to Maryann K. Brooks, 8030 Edgewater Avenue, Baltimore, MD 21237, Petitioner.


PETER MAX ZIMMERMAN

MICROFILMED

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

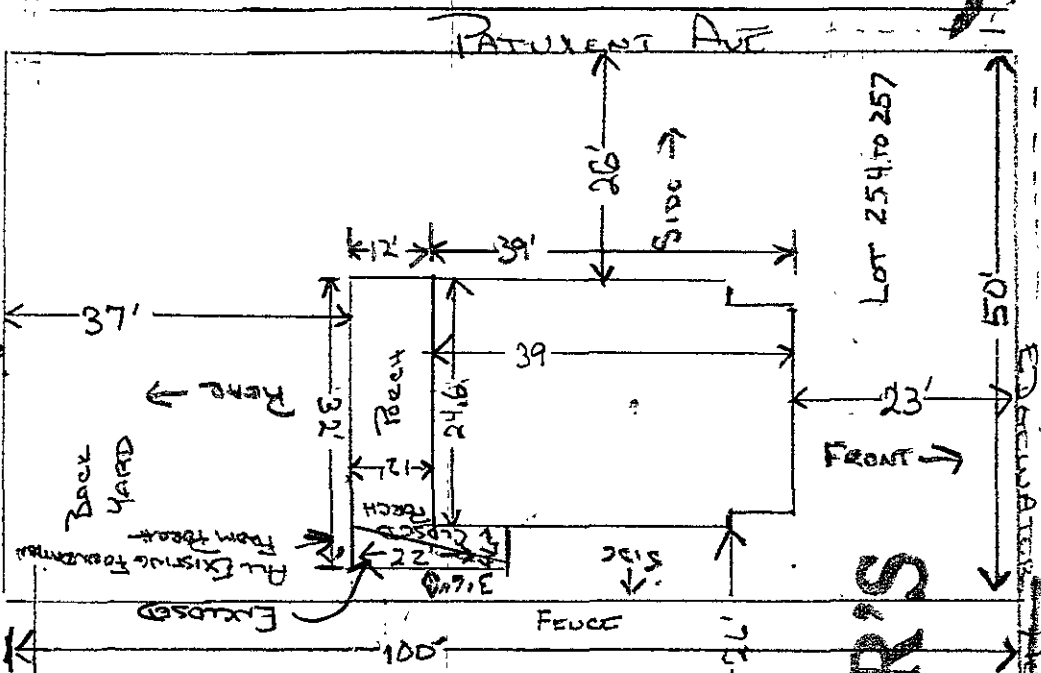
see pages 5 & 6 of the CHECKLIST for additional required information

PROPERTY ADDRESS: 8030 EDGEWATER AVE

Subdivision name: CHESSED PEX

plat book # 6, folio # 164, section # 107D

OWNER: MICHAEL BROOKS



96-487-A

MICROFILMED

Per General
Division

PETITIONER'S
EXHIBIT 1

LOCATION INFORMATION

Election District: 15TH

Councilmanic District: 5TH

1"=200' scale map: NE 2-F

Zoning: DR 5.5

Lot size: 1.03 acreage 4500 square feet

public ☒ private ☐
SEWER: ☒ WATER: ☒
Chesapeake Bay Critical Area: ☐ ☒

Prior Zoning Hearings:

Zoning Office USE ONLY!

reviewed by: RT ITEM #: 482 CASE #:

Scale of Drawing: 1"=20'

IN RE: PETITION FOR VARIANCE
SM/Cor. Edgewater Avenue and
Patuxent Avenue
(8030 Edgewater Avenue)
15th Election District
5th Councilmanic District
Maryann Brooks
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-487-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 8030 Edgewater Avenue, located in the vicinity of Patuxent Avenue in Chesaco Park. The Petition was filed by the owner of the property, Maryann Brooks. The Petitioner seeks relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3'3" in lieu of the minimum required 10 feet for an existing enclosed deck (porch). The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition was James Brooks, the Petitioner's husband. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of .103 acres, more or less, zoned D.R. 5.5 and is located within the Chesapeake Bay Critical Areas near Northeast Creek. The property is improved with a single family dwelling which was built in 1927. Testimony indicated the Petitioners have owned the property for the past nine years, during which time Mr. Brooks has invested a good amount of time and money in upgrading the property. Mr. Brooks testified that he obtained a building permit to rebuild the dwelling and that in conjunction with exterior

improvements to the home, he enclosed an existing porch. Mr. Brooks stated that he was unaware that a variance was necessary to enclose the porch and proceeded with making improvements to the property. Apparently, during a routine check in the neighborhood, it was discovered that the subject porch was located within the required setback distance from the property line. Thus, the requested variance is necessary in order to legitimize existing conditions on the property.

As noted above, this property lies within the Chesapeake Bay Critical Areas and as such, all development on this property is subject to compliance with any restrictions imposed by the Department of Environmental Protection and Resource Management (DEPRM). By comment dated June 17, 1996, it appears that the subject porch enclosure has resulted in the Petitioners exceeding the impervious surface limits that are imposed upon this property, given its location with the Chesapeake Bay Critical Areas, and that a variance from critical areas requirements must be obtained from DEPRM or the amount of impervious surface on their property reduced. Therefore, as a condition of the relief granted herein, the Petitioners shall be required to comply with any recommendations made by DEPRM in order to mitigate any impact development on the subject property may have on the Critical Areas.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

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- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested shall be granted, as conditioned below.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this and day of August, 1996 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County

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Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3'3" in lieu of the minimum required 10 feet for an existing enclosed deck (porch). In accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) Compliance with any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to their comments dated June 17, 1996, a copy of which has been attached hereto and made a part hereof.

IT IS FURTHER ORDERED that the Petitioners shall have thirty (30) days from the date of this Order to file an appeal of this decision.

TMK:bjs

Timothy M. Kotrocc
TIMOTHY M. KOTROCC
Deputy Zoning Commissioner
for Baltimore County

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BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jahlon, Director
Zoning Administration and
Development Management
June 17, 1996

FROM: Robert A. Wirth RAW/MA
DEPRM

SUBJECT: Zoning Item #482 - Brooks Property
8030 Edgewater Avenue
Zoning Advisory Committee Meeting of June 10, 1996

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Environmental Impact Review

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

With construction of the porch, the applicant has exceeded impervious surface limits required in Limited Developed Area of the Chesapeake Bay Critical Area. As such, the zoning variance should be conditioned on complying with this requirement, which will require removal of impervious surfaces or approval of a Critical Area Administrative Variance. The applicant is urged to call Mr. Steve Arniger of Environmental Impact Review at 887-3980.

RAW:PF:sp

c: Maryann K. Brooks
BROOKS/DEPRM/TXTSBP

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

August 2, 1996

(410) 887-4386

Mr. & Mrs. James Brooks
8030 Edgewater Avenue
Baltimore, Maryland 21237

RE: PETITION FOR VARIANCE
SM/Cor. Edgewater Avenue and Patuxent Avenue
(8030 Edgewater Avenue)
15th Election District - 5th Councilmanic District
Maryann Brooks - Petitioner
Case No. 96-487-A

Dear Mr. & Mrs. Brooks:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotrocc
TIMOTHY M. KOTROCC
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM

People's Counsel

File

CRITICAL AREA
Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 8030 Edgewater Ave
which is presently zoned Residential DEB.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1 (DECR)

To allow an existing enclosed deck 3 ft., 3 in. side yard setback in lieu of the required 10 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Replaced Back porch not knowing permit was required. 3+ 3" from property line.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Corrected Petitioner/Owner

Legal Owner(s)

Type of Petition Name

Signature

Address

City

State

Zip

Attorney for Petitioner

Type of Petition Name

Signature

Address

City

State

Zip

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following date

Next Two Months

ALL OTHER

REVIEWED BY: R.T. DATE: 5-21-96

ITEM # 482

EXAMPLE 3 - Zoning Description

3 COPIES

Three copies of the zoning description of your property are required. This is a sample to help you with the description. DO NOT USE THIS FORM FOR FILL-IN THE BLANK. Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 8030 Edgewater Ave
(address)

Beginning at a point on the SW corner of Edgewater & Patuxent Ave.
(north, south, east or west) side of

(number of feet of right-of-way width) which is 50'

(number of feet) of the (north, south, east or west) wide at the distance of

(name of street) centerline of the nearest improved intersecting street

which is 50' wide. "Being Lot 854-257"

Block 9143 in the subdivision of Chesaco Park
(name of subdivision)

as recorded in Baltimore County Plat Book # 6 Folio # 144

containing 1.03 Also known as 8030 Edgewater Ave
(square feet of lot) (property address)

and located in the 15th Election District, 5th Councilmanic District

"If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber 103 Folio 144 and include the measurements and directions (measures and bounds only) here and on the plat in the correct location

Typical measures and bounds: N 87° 12' 13" E 321.1 ft. S 18° 03' E 87.2 ft. S 62° 10' 00" W 318 ft. and N 63° 15' 22" W 80 ft. to the place of beginning.

ITEM #482

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